

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

THELMA WILLIAMS, JR.,  
ADC #93197

PLAINTIFF

v.

5:07CV00180HLJ

BROOKS PARKS, et al.

DEFENDANTS

ORDER

This matter is before the Court on defendants' motion to dismiss (DE #39) and plaintiff's motions to amend (DE ##45, 49, 50).

Plaintiff's motions to amend actually are additional responses to defendants' motion, and should be docketed as such. In addition, plaintiff has filed a number of affidavits, notices and other items in support of his position. In light of such, in accordance with Fed.R.Civ.P. 12(b)(6), the Court will construe the defendants' motion as one for summary judgment and will provide the parties with one final opportunity in which to submit any evidence, affidavits, or briefs in support of their respective positions. Accordingly,

IT IS, THEREFORE, ORDERED that defendants' motion to dismiss (DE #39) shall be construed as a motion for summary judgment, and the parties shall file any additional evidence, affidavits or briefs within ten days of this Order.

IT IS FURTHER ORDERED that plaintiff's motions to amend (DE ##45, 49, 50) be construed as responses to defendants' motion, and the Clerk shall correct the docket to reflect this change.

IT IS SO ORDERED this 19th day of December, 2007.

*Henry L. Jones, Jr.*  
United States Magistrate Judge